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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional Working Group
6-10 December 1999

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Consideration of the second periodic report of Belgium concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural rights (E/1990/6/Add.18)

I. GENERAL INFORMATION

1. Please provide information on the measures adopted by the Belgian authorities to comply with the suggestions and recommendations made by the Committee in its concluding observations following consideration of Belgium's initial report (E/C.12/1994/7, paras. 12-15).

II. GENERAL LEGAL FRAMEWORK FOR THE IMPLEMENTATION OF THE COVENANT

A. Status of implementation of the Covenant

2. Please indicate whether the Government of Belgium has taken into account the Committee's recommendations, mentioned in the preceding paragraph, on the direct applicability of the Covenant, in particular on article 8 (right to trade union freedom and collective bargaining) and articles 13 and 14 on the right to education, and whether there has been any other decision by the Court of Arbitration recognizing this direct applicability, in addition to the decisions described in paragraphs 6-8 of the State party's report.

3. Bearing in mind the political structure of Belgium, the Committee requests information on the mechanisms for coordination between governments (Federal, communities and local entities), and with the non-governmental organizations concerned with the observance of human rights.

4. What is the position of the Government of Belgium on the recommendation made by the World Conference on Human Rights concerning the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights?

B. Information and publicity relating to the Covenant

5. Please give detailed information on the activity of governmental and non-governmental organizations in relation to the dissemination of the International Covenant on Economic, Social and Cultural Rights.

6. Please provide information on the degree of publicity given to the concluding observations of the Committee on Economic, Social and Cultural Rights concerning Belgium's initial report among the authorities, civil servants and civil society.

7. Please indicate whether, apart from the social welfare centres in the communes, as referred to in paragraph 121 of the core document (HRI/CORE/1/Add./Rev.1), there are other human rights bodies at the federal and commune level.

III. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2 (2). Non-discrimination and international cooperation

8. The Committee requests more information on the activities of the Equal Opportunities and Anti-Racism Centre set up in 1993.

9. Bearing in mind the high percentage of foreigners living and working in Belgium, the Committee would welcome information on their situation with regard to the enjoyment of the rights proclaimed in the Covenant. In addition, the Committee would also appreciate information on the Government's attitude to the activities of the political party the Vlaams Blok in the Flemish community.

10. Please provide information on the percentage of GDP devoted to international cooperation for development over the past five years.

Article 3. Equal rights for men and women

11. Please provide information on discriminatory provisions or differences in treatment between men and women which still exist in Belgian legislation (differences in social security, in taxation of earnings, etc.) and on the measures adopted to eliminate them.

12. The Committee would welcome information on the activities of the Equal Opportunities Centre and governmental programmes on women, and those undertaken by the communities and by local entities, and on the mechanisms used to achieve efficient coordination.

IV. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. The right to work

13. Please provide statistical data on trends in unemployment over the past five years, by community, sex and age group, and information on the extent of unemployment among foreigners and the various ethnic communities.

14. Paragraphs 26-33 of the report list a number of vocational training programmes. Please provide information on their characteristics, on their results in obtaining employment contracts, etc.

15. Please provide updated information on the "steps to reduce the supply of labour" and developments since the preparation of the report, particularly with regard to early retirement, which appears to constitute "forced" retirement before the legally prescribed age (paras. 34-36 of the report).

16. Further to the information requested in the preceding paragraph, please give information on pre-retirement programmes and programmes designed to use the experience of retired persons, and the number and characteristics of non-governmental associations and organizations for older people.

17. Please provide information on the groups of workers who consider themselves as being "risk groups", as referred to in paragraph 30 of the report, on the results of the collective agreements of 1997-1998, and on the characteristics and results of the regional and community training and employment programmes listed in paragraphs 51-66 of the report.

Article 7. The right to enjoyment and of just and favourable conditions of work

18. Please provide information on the steps taken, when fixing minimum wages, to harmonize the recommendations made by OECD (ECO/EDR(97)3) and the commitments undertaken through ratification of the ILO (Convention No. 26), Minimum Wage-Fixing Machinery Convention, 1928. Has due consideration been given to the observations made by the ILO Committee of Experts on the Application of Conventions and Recommendations in 1999?

19. Please provide updated statistical information on the number of industrial accidents and occupational diseases during the past five years, by economic sector, community, sex and age group.

Article 8. Trade union rights

20. Please provide information on the number of strikes (authorized and unauthorized) during the past five years.

21. According to the International Confederation on the Freedom of Trade Unions, "[e]mployers and the judiciary continued to undermine the right to strike: some employers took disputes to the civil courts instead of labour courts by alleging violence during strikes and pickets. The courts often rule in the employer's favour without giving a hearing to the unions. In some cases, unions were threatened with massive fines if they continued to strike or picket. On the unions' initiative, however, certain judges who had earlier followed the employers' reasoning, reviewed their decisions and upheld the union position. A new draft law was submitted to parliament to remedy the legal confusion." Please comment.

Article 9. The right to social security

22. Please provide information on the amendments made to the Act of 1 August 1996 modernizing social security and ensuring the viability of the legal regimes relating to pensions as compared with the previous regime (amount of pensions, contributory periods, amount of contributions, financing, etc.).

23. Please provide information concerning old-age, disability, widows' and survivors' pensions (paras. 113-116) and their characteristics, requirements, amounts, incompatibilities, etc., elaborating on the information contained in the above-mentioned paragraphs.

Article 10. Protection of the family

24 Please provide information on the number of divorces during the past five years and on the relationship between the number of marriages and divorces occurring in the same period. Please provide statistical data on the number of common-law relationships recognized by Belgian law.

25. The Committee would welcome updated information on cases of violence against women and children, on child prostitution, child pornography and paedophilia, as well as with regard to the results of the creation of the Intergovernmental Committee on the Repression of the Trafficking in Persons, and the approval of the 1995 Action to Combat Trafficking in Persons Act, including information on the preventive measures adopted and penalties imposed on offenders.

26. Please clarify the extent of child labour, which is apparently authorized for children aged 15, and the extent to which they are integrated within the education system.

Article 11. The right to an adequate standard of living

27. Please provide information on the results of the "General Report on Poverty" and on the increasing trend in the percentage of the population living below the poverty threshold since 1994, and other measures taken by the Government to combat this problem.

28. Please provide information on the results of programmes referred to in paragraphs 157-167 of the report, particularly with reference to the assistance given to the most vulnerable groups, and the requirements for access to social housing and ensuring that these are occupied by low-income individuals.

29. Please provide information on the social renewal and incentive programmes carried out in the Flemish Region, as listed in paras. 160-162 of the report, and on the Low-cost Housing Agencies in the Walloon Region (paras. 163-166), as well as on the shortage of low-cost housing in general.

30. Please provide information on the number of cases of food contaminated by dioxine and on measures taken to prevent this, to pay compensation to victims, etc.

Article 12. The right to health

31. Please indicate the measures adopted to ensure that the increase in the cost of health care, due to demographic ageing, does not jeopardize the enjoyment of the right to health, particularly with regard to preventive medicine, care for the chronically ill, alternative medicines, rehabilitation and care for the terminally ill.

Articles 13 and 14. The right to education

32. Please provide updated statistics, broken down by region and sex, on the number of pupils at the various levels of education and on levels of school absenteeism.

33. Please provide more information on adult education as referred to in paragraph 204 of the report, and on the opportunities available to older persons to undertake new studies and training programmes for new jobs.

34. Please provide information on the working conditions of teachers at all levels of the education system in comparison with other civil servants of similar qualification.

35. Please provide information on the place occupied by human rights teaching in the education system, and in the training of teachers, magistrates, police officers, the military and other civil servants.

36. Please indicate whether the parents of primary and secondary school students are obliged to contribute, in full or in part, to their school costs.

Article 15. The right to participate in cultural life, to enjoy the benefits of scientific progress and to protection of copyright

37. Please provide information on assistance in facilitating access to cultural property by the whole of the population and, in particular, young people, disabled persons, older people, immigrants, etc.

38. Please provide information on non-profit and non-governmental organizations which contribute their efforts, knowledge and experience to promote the cultural development of the country through courses, seminars, lectures, etc.